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July 30, 2013

BROOKLYN OFFICE

VIA FIRST-CLASS MAIL

Hon. William F. Kuntz, II
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Daragjati v. United States
Case Number: 13-3751-WFK

Dear Judge Kuntz:

Please allow this letter to serve as a response to the United States' "Letter Motion" dated July 24, 2013. In their "Letter Motion", the United States requested that the Court enter an order: (1) finding that, by filing a collateral attack motion, I had waived my right to "any and all attorney-client privileges"; (2) directing my former attorneys, Mr. Franz and Mr. Fischetti, to submit affidavits to the Court on or before August 30, 2013; and (3) that the United States has until October 11, 2013 to show cause as to why I should not be granted the collateral attack relief I am requesting.

With the above being said, I would respectfully request that Your Honor defer a decision on the United States' "Letter Motion" until such time as the Court has an opportunity to rule on my presently-pending recusal motion. As discussed in my recusal motion, if this Court continues to hear my collateral attack motion, it puts me in the highly uncomfortable position of complaining about Your Honor's actions, to Your Honor. I hope the Court understands and appreciates this impossible position.

If the Court were to rule on the United States' "Letter Motion" prior to reaching a determination on my recusal motion, I would respectfully request that this Court find, in step with controlling Circuit authority, that by filing my collateral attack motion, I only waived privilege with respect to the matters surrounding the claims raised in my various ineffective assistance of Counsel claims, and did not, as the United States suggests, waive privilege in totality. See: United States v. Bilzerian, 926 F. 2d 1285, 1292 (2d Cir. 1991). I take no position on the remainder of the relief requested by the United States in their "Letter Motion".

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Thank you in advance for your prompt and professional attention to this most serious matter. Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

Michael Daragjati.

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